

Christopher R. Miltenberger
Nevada Bar No. 10153
GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, Nevada 89169
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: miltenbergerc@gtlaw.com

Jeffrey P. Dunning
Pro Hac Vice
GREENBERG TRAURIG, LLP
77 West Wacker Drive, Suite 3100
Chicago, IL 60601
Telephone: (312) 456-6612
Facsimile: (312) 899-0351
Email: dunningj@gtlaw.com

Counsel for Defendant PHWLTV, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Aladdin's Eatery Systems, Inc., an Ohio
corporation,

Plaintiff,

v.

PHWLTV, LLC a Nevada limited liability
company; and OPBIZ, LLC, Nevada
limited liability company,

Defendants.

Case No. 2:18-cv-00412 APG-GWF

**MOTION AND [PROPOSED] ORDER
TO EXTEND DEADLINE FOR
DEFENDANTS TO RESPOND TO
COMPLAINT FOR DECLARATORY
JUDGMENT**

**(First request via motion following one
request via stipulation)**

Defendant PHWLTV, LLC ("PHWLTV"), by and through its attorneys of record, hereby file this Motion and [Proposed] Order to Extend Deadline for Defendants To Respond to Complaint For Declaratory Judgment ("Motion"). This Motion is made and based upon Local Rule LR IA 6-1, the following Memorandum of Points and Authorities, the pleadings and papers on file.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant PHWLTV respectfully requests this Court grant its Motion and [Proposed] Order

1 to Extend Deadline for Defendants To Respond to Complaint For Declaratory Judgment
2 (“Motion”) to permit the parties sufficient time to exhaust their efforts to reach a resolution of this
3 matter. The parties have discussed settlement and PHWLV has tendered a settlement proposal to
4 plaintiff. PHWLV is hopeful this matter will resolve in short order. However, should this matter
5 proceed, PHWLV respectfully requests additional time to assess whether a sufficient basis exists
6 to bring a motion pursuant to FRCP 12(b). This is Defendant’s first motion to extend time
7 following the parties’ prior stipulation (Doc. 11). Defendant submits this Motion in good faith and
8 not for purposes of delay.

9 II. FACTUAL AND LEGAL ANALYSIS

10 On March 20, 2018, PHWLV was served with process with respect to the Complaint in the
11 above-captioned matter. Shortly thereafter, PHWLV obtained counsel and requested an extension
12 of time in order to evaluate the allegations set forth in the Complaint and the factual circumstances
13 underlying such allegations. On April 10, 2018, the parties entered into a stipulation extending
14 the deadline for PHWLV to respond to the Complaint until May 10, 2018. (Doc. 11), which the
15 Court granted (Doc. 12). After the Court granted the parties’ stipulation, settlement discussions
16 ensued. Presently, PHWLV awaits a response from Plaintiff regarding PHWLV’s most recent
17 settlement proposal. PHWLV is hopeful Plaintiff will accept said proposal, concluding this matter.
18 Thus, in good faith, and in an effort to forgo unnecessary litigation and in the interests of judicial
19 economy, PHWLV submits the instant Motion, and requests that the Court grant it until June 8,
20 2018 to respond to the Complaint. Should the matter not settle, a brief extension of time is still
21 warranted and PHWLV requests the same in order to assess whether it has sufficient basis to bring
22 a motion pursuant to FRCP 12(b) motion. This is PHWLV’s first motion to extend time following
23 the parties’ one and only stipulation for the same. (Doc. 11). The relief requested herein will not
24 prejudice Plaintiff. At this juncture, Plaintiff has agreed to extend the time for PHWLV to respond
25 until May 18, 2018. However, this matter is in its infancy and PHWLV respectfully requests the
26 full 30 day extension.

27 ///

1 **III. CONCLUSION**

2 WHEREFORE, based on the foregoing, PHWLTV respectfully requests that the Court grant
3 an extension of time to file a response to the Complaint up to and including June 8, 2018.

4 DATED this 10th day of May, 2018.

5 GREENBERG TRAURIG, LLP

6 /s/ Alayne M. Opie (NV Bar 12623) for:

7 Christopher R. Miltenberger
8 Nevada Bar No. 10153
9 3773 Howard Hughes Parkway, Suite 400 North
10 Las Vegas, Nevada 89169

11 Jeffrey P. Dunning
12 *Pro Hac Vice*
13 GREENBERG TRAURIG, LLP
14 77 West Wacker Drive, Suite 3100
15 Chicago, IL 60601

16 *Counsel for Defendant PHWLTV, LLC*

17 **IT IS SO ORDERED:**

18 

19 UNITED STATES MAGISTRATE JUDGE

20 DATED: 5-11-2018